

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY CHAPPA,

No. 2:20-cv-0379 ACP

Plaintiff,

V.

SHASTA COUNTY SHERIFF, et al.,

ORDER AND FINDINGS AND RECOMMENDATIONS

Defendants.

On June 11, 2021, the undersigned screened the complaint and determined that it failed to state cognizable claims against the Shasta County Sheriff or “jail warden” Tom Bonseko. See ECF No. 6 at 4-5. Accordingly, plaintiff was given the option of either amending the complaint or proceeding on its cognizable claims. See id. at 5-8. At that time, plaintiff was ordered to notify the court within fourteen days as to how he wished to proceed. See id. at 7.

More than fourteen days have passed, and plaintiff has not informed the court that he would like to amend the complaint. Therefore, pursuant to the court's screening order, the undersigned will recommend that defendants Shasta County Sheriff and Tom Bonseko be dismissed with prejudice from this action and that the case proceed on plaintiff's excessive force claim against Deputies Vangerwin and McQuillan only.

Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly assign a District Court Judge to this action.

1 IT IS FURTHER RECOMMENDED, for the reasons set forth in the screening order (ECF
2 No. 6), that:

3 1. Defendants Shasta County Sheriff and Tom Bonseko, and related claims against
4 them, be DISMISSED with prejudice from this action; and
5 2. The case proceed on plaintiff's claim of excessive force against defendants Vangerwin
6 and McQuillan.

7 These findings and recommendations are submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days
9 after being served with these findings and recommendations, plaintiff may file written objections
10 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings
11 and Recommendations." Plaintiff is advised that failure to file objections within the specified
12 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
13 (9th Cir. 1991).

14 DATED: July 7, 2021

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16 ALLISON CLAIRE
17 UNITED STATES MAGISTRATE JUDGE

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